

Notice of Allowability

Application No.

10/762,951

Examiner

Davienne Monbleau

Applicant(s)

CHONG ET AL.

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 2/21/06.
2. ☒ The allowed claim(s) is/are 1,5-8,10-12 and 15-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT AND STATEMENT OF REASONS FOR ALLOWANCE

Response to Amendment

The amendment filed on 2/21/06 has been entered. Claims 1, 5, 10, 15, and 19 have been amended. Claims 2-4, 9, 13, and 14 have been canceled. Claims 1, 5-8, 10-12, and 15-19 are pending.

Allowable Subject Matter

Claims 1, 5-8, 10-12, and 15-19 are allowed in view of the amendment filed on 2/21/06.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 5-8, the cited prior art of record does not teach or fairly suggest an optical encoder disk comprising, along with the other claimed features, that light transmitted through said first and second regions produces a first electrical output, light transmitted through said first and third regions produces a second electrical output, and light transmitted through said second and fourth regions produces a third electrical output, wherein said second and third outputs are reference outputs used to adjust said first output, and wherein said first, second and third outputs are used to determine an angular position of said disk.

Regarding claims 10-12 and 15-19, the cited prior art of record does not teach or fairly suggest an optical encoder comprising, along with the other claimed features, that said detector comprises a first photodiode that straddles said first and second regions, a second photodiode that straddles said first and third regions, and a third photodiode that straddles said second and fourth regions, wherein said outer radius of said third region is dimensioned such that the outputs of said third and second photodiodes are equal at a first angular position to provide a first reference output, wherein said inner radius of said fourth region is dimensioned such that the

Art Unit: 2878

outputs of said first and second photodiodes are equal at a second angular position to provide a second reference output, and wherein said first and second reference outputs are used with an output of said first photodiode to determine an angular position of said disk.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 571-272-1945. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davienne Monbleau
DNM

Stephane B. Allen
Stephane B. Allen
Primary Examiner